IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI

CRIMINAL MISC. APPLICATION NO. 73 OF 2005

Govind Manohar Mulgaonkar .... Applicant

V e r s u s

S T A TE .... Respondent

Shri S. G. Bhobe, Advocate for the Applicant/Accused.

Shri S. N. Sardessai, Public Prosecutor for the State/Respondent.

CORAM: N.A. BRITTO, J.

DATE : 06.05.2005.

P.C.

Heard Shri S. G. Bhobe, the learned Counsel on behalf of the applicant/accused in Crime no.51/05 and Shri Sardessai, the learned P.P.

2. The applicant was arrested in the said Crime on 25.04.05, and on 26.04.05, he moved an application for bail before the Sessions Court, Panaji, and the learned Sessions Judge, by her Order dated 28.04.05, has dismissed his application.

3. The applicant/accused therefore, has now approached this Court seeking bail.

4. The applicant/accused was married to Manjeeta @ Rajeshree on 18.02.2005. It is stated that it was an arranged marriage. After the marriage, both of them resided separately at Talematha, Pale, while the applicant's other family members continued residing at their ancestral house at Ambeshi, Pale. The said Manjeeta @ Rajeshree committed suicide by hanging on 09.04.2005. The uncle of the applicant, by name Anant Mulgaonkar, reported the incident to the police immediately and as death has taken place of the said Manjeeta @ Rajeshree within seven years of their marriage, a case of UD was registered under Section 176 of the Cr.P.C., 1973 under UD no. 25/05.

5. On the next day, i.e. on 10.04.2005, the brother of the deceased lodged a complaint stating that his sister was subjected to cruelty by the accused and based on the said complaint, the said Crime no. 51/05 was registered under Section 498-A of I.P.C. It is stated by Shri Sardessai, that on the next day, Section 306 IPC was added to Crime no. 51/05.

However, as already seen, the applicant/accused was arrested on 25.04.2005 and not earlier. No satisfactory explanation has also come forward from the I.O. regarding the delay in arresting the accused.

6. A reading of Order dated 28.04.2005, of the learned Sessions Judge, shows that there is material on record to come to a prima facie conclusion that the deceased was subjected to cruelty soon after her marriage and that, on that count, she took the drastic step of committing suicide in two months of her marriage. However, she proceeded to reject the application because the investigations were at a preliminary stage and the statements of the neighbours and other witnesses were required to be recorded.

7. Before this Court, the application has been opposed by Shri Sardessai, the learned P.P. again by submitting that some more statements are to be recorded. Shri Sardessai, has also submitted that in case the accused is admitted to bail, then there is likelihood of the accused interfering with his ex-girlfriend whose statement has already been recorded and because of the continued relations of the accused with the said girlfriend, that Manjeeta @ Rajeshri took the extreme step of

committing suicide.

8. As already stated, the incident took place on 09.04.2005 and the I.O. took as many as ten days for arresting the accused. The accused has been in custody from 25.04.2005. Statements to be recorded would normally be those of the immediate relations of the family of the deceased as it otherwise does not appear that any statement of the neighbours or relations of the accused are required to be recorded. In my view, the apprehension that the accused will interfere with his ex-girlfriend to dissuade her from not appearing at the trial, appears to be more imaginary than real as the said apprehension is not supported by any material or any strong reasons.

9. In my view, considering that the accused has been sufficiently long in custody and the investigations in any event having neared its completion, no purpose would be served by continuing his detention in custody since otherwise such a detention would amount to imposing punishment without trial.

10. In view of the above, I am inclined to admit the accused to bail.

The accused shall be admitted to bail upon execution of a bond of Rs.15,000/- with one surety in the like amount to the satisfaction of the learned Sessions Judge, Panaji, and with a further condition that the accused shall not interfere directly or indirectly with any of the witnesses.

Expedite authenticated copies, humdust allowed.

N. A. BRITTO, J.

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